

1 LYSSA S. ANDERSON  
Nevada Bar No. 5781  
2 KRISTOPHER J. KALKOWSKI  
Nevada Bar No. 14892  
3 KAEMPFER CROWELL  
1980 Festival Plaza Drive, Suite 650  
4 Las Vegas, Nevada 89135  
Telephone: (702) 792-7000  
5 Fax: (702) 796-7181  
[landerson@kcnvlaw.com](mailto:landerson@kcnvlaw.com)  
6 [kkalkowski@kcnvlaw.com](mailto:kkalkowski@kcnvlaw.com)

7 *Attorneys for Defendants*  
*Las Vegas Metropolitan Police Department,*  
8 *Sheriff Joseph Lombardo, David Poupard,*  
*Angel Valladares, Kenji Okada, Maribel Suey,*  
9 *Daniel Varner, Daven Lorenzo-Ragasa, Larry Taylor,*  
*Julio Martinez and Cesar Esparza*

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 CHRISTIAN STEPHON MILES,  
14 individually,

15 Plaintiff,

16 vs.

17 CLARK COUNTY, ET AL.

18 Defendants.

CASE NO.: 2:21-cv-00290-CDS-BNW

**LVMPD DEFENDANTS' RENEWED  
MOTION TO AMEND WAIVER OF  
SERVICE  
[ECF No. 15]**

20 Defendants Las Vegas Metropolitan Police Department, Sheriff Joseph Lombardo, David  
21 Poupard, Angel Valladares, Kenji Okada, Maribel Suey, Daniel Varner, Daven Lorenzo-Ragasa,  
22 Larry Taylor, Julio Martinez and Cesar Esparza (collectively, "LVMPD Defendants"), through  
23 their counsel, Kaempfer Crowell, move to amend the Waiver of Service, (ECF No. 15), so that it  
24 removes "September Mashore" from the list of defendants who have waived service.

1 On June 7, 2022, counsel for LVMPD Defendants submitted a Waiver of Service for  
2 several defendants named in this lawsuit. One of the officials included in the Waiver is  
3 “September Mashore” (P#9434), a corrections official currently employed at the Clark County  
4 Detention Center. But, after further investigation, it was believed that the lawsuit concerned  
5 Gregory Mashore—a now-retired official previously employed at the Clark County Detention  
6 Center. This confusion arose from the Amended Complaint, (ECF No. 9), using the single name  
7 of “Mashore” as a listed defendant and in supporting allegations.

8 LVMPD Defendants filed their original Motion to Amend Waiver of Service on July 7,  
9 2022, at ECF No. 19. This Court issued an Order in response, ECF No. 20, asking that the  
10 Parties we confer as to the identity of the correct Mashore. To comply with the Court’s Order,  
11 LVMPD Defendants sent Plaintiff the letter attached as **Exhibit A (Defendants’ Letter to**  
12 **Plaintiff dated July 19, 2022)**. In the letter, Plaintiff was asked to identify any information he  
13 might have to aid in determining who he intended to name as the Defendant Mashore. Plaintiff’s  
14 response is attached as **Exhibit B (Plaintiff’s Letter to Counsel dated August 12, 2022)**. In his  
15 letter, he identifies the correct Mashore Defendant as having P#7628.

16 As set out above, the party for whom LVMPD waived service, September Mashore, has  
17 P#9434. She is not the Defendant that Plaintiff intended to sue. In contrast, the now retired  
18 Gregory Mashore had P#7628. He is the correct Defendant. As such, the LVMPD Defendants  
19 respectfully request that the Waiver of Service be amended to remove September Mashore.

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Further, in light of Gregory Mashore's retired status, LVMPD Defendants' counsel does not have the authority to waive service for this individual. Accordingly, the necessary procedure is for Plaintiff to complete a Summons for this specific official and file it with the Court. After Plaintiff files the completed Summons, LVMPD Defendants' counsel can then file under seal the last known address for Gregory Mashore so that the U.S. Marshals Service can complete service of process for Plaintiff.

DATED this 25<sup>th</sup> day of August, 2022.

KAEMPFER CROWELL

By: /s/ Lyssa S. Anderson

LYSSA S. ANDERSON (Nevada Bar No. 5781)  
KRISTOPHER J. KALKOWSKI (Nevada Bar No. 14892)  
1980 Festival Plaza Drive, Suite 650  
Las Vegas, Nevada 89135

*Attorneys for Defendants  
Las Vegas Metropolitan Police Department,  
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Julio Martinez and Cesar Esparza*

### EXHIBIT LIST

**Exhibit A:** Defendants' Letter to Plaintiff dated July 19, 2022

**Exhibit B:** Plaintiff's Letter to Counsel dated August 12, 2022

### ORDER

**IT IS ORDERED** that ECF No. 24 is GRANTED in part and DENIED in part. It is granted in all respects except that Defendants shall file the last known address of Defendant Gregory Mashore under seal by September 2, 2022.

**IT IS FURTHER ORDERED** that the Clerk of Court shall send Plaintiff a USM-285 form for Gregory Mashore.

**IT IS FURTHER ORDERED** that Plaintiff shall fill out the USM-285 form but leave Mr. Mashore's address blank. Plaintiff shall then file the USM-285 form on the docket by September 9, 2022. If Plaintiff does this, the Court will issue a subsequent order to have the U.S. Marshals effect service. If Plaintiff does *not* file the USM-285 form for Gregory Mashore, the Court may recommend that that this defendant be dismissed.

**CERTIFICATE OF SERVICE**

I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I caused the foregoing **LVMPD DEFENDANTS' RENEWED MOTION TO AMEND WAIVER OF SERVICE [ECF No. 15]** to be served via CM/ECF and/or First Class Mail (where indicated) addressed to the following:

Christian S. Miles, #2888634  
Clark County Detention Center  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

***Pro Se Plaintiff***

*(Via U.S., First Class Mail)*

DATED this 25th day of August, 2022.

/s/Luisa Cota  
an employee of Kaempfer Crowell